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2 IN THE CIRCUIT COURT OF STATE OF OREGON  
3 FOR MARION COUNTY

4 In the Matter of )  
5 ) 20MARPJO No. 20-09(A)  
6 Marion County Juvenile Court )  
7 ) PRESIDING JUDGE ORDER  
8 ) **ADOPTING CJO 20-016 AND**  
9 ) **IMPLEMENTING PROVISIONS**  
10 ) **THROUGH OCTOBER 31, 2020**  
11 )

12 IT IS HEREBY ORDERED the Marion County Juvenile Court fully adopts the  
13 applicable provisions of CJO 20-016<sup>1</sup> issued May 15, 2020, and implements them as follows:

14 Out of concern for public health and preventing the spread of COVID-19, the Marion  
15 County Juvenile Court is restricting operations to greatly reduce the number of people coming  
16 into court facilities.

17 PJO 20-09(A) takes effect immediately and remains in effect as long as the Marion  
18 County Circuit court is subject to Level 2 restrictions. If the Marion County Circuit Court is  
19 subject to Level 3 restrictions or the court determines more restrictions are necessary, we will  
20 notify the community and local bar and will post changes on the court's website:  
21 <https://www.courts.oregon.gov/marion>.

22 **DELINQUENCY CASES:**

- 23 • Hearings
  - 24 ○ The court will schedule the following in-custody proceedings in accordance with  
25 the court's regular scheduling procedures to be heard by remote means. A party  
26 must file a Motion for Hearing In-the-Courthouse with the Presiding Juvenile  
Court Judge if they wish to proceed in-person:
    - Initial appearances
    - Probation violation hearings
    - Admit/deny and disposition hearings
    - 10-day detention review hearings
    - 28/56-day detention duration hearings
    - Waiver hearings under ORS 419.349

27 <sup>1</sup> The full text of the Order can be found here [https://www.courts.oregon.gov/rules/ORAP/CJO%2020-016\\_Order-  
28 Imposing-Level-2-and-Level-3-Restrictions-on-Court-Operations.pdf](https://www.courts.oregon.gov/rules/ORAP/CJO%2020-016_Order-Imposing-Level-2-and-Level-3-Restrictions-on-Court-Operations.pdf)

- 1           ○ Out-of-custody initial appearances for youth cited or directed to appear or with a  
2           release agreement to appear at the Juvenile Court, will occur in-person at the  
3           Juvenile Court as directed by the letter, citation, or release agreement.
- 4           ○ Admit/deny and disposition hearings for out-of-custody youth shall be scheduled  
5           in accordance with the court's regular scheduling procedures to be heard by  
6           remote means UNLESS one of issues listed below exist, then an in-person  
7           appearance at Juvenile Court will be allowed:
- 8           ▪ Interpreter needed
  - 9           ▪ Detention or OYA time anticipated
  - 10          ▪ Non-stipulated and more than 30 minutes needed
  - 11          ▪ Multiple witness/victims
  - 12          ▪ Youth has significant developmental delays or MH issues
  - 13          ▪ Security issues
  - 14          ▪ Others as approved by the Presiding Juvenile Court Judge
- 15      ● Status Conferences
- 16          ○ The court will continue to conduct status conferences and pretrial hearings as  
17          scheduled on all delinquency cases. Such proceedings shall be conducted by  
18          remote means.
- 19      ● Settlement Conferences
- 20          ○ On in-custody delinquency cases, may be scheduled and may proceed as  
21          previously scheduled with the selected judge in-person or by remote means.
  - 22          ○ On out-of-custody delinquency cases, may be scheduled and may proceed as  
23          previously scheduled with the selected judge by remote means UNLESS the  
24          Presiding Juvenile Court Judge approves the matter to proceed in-person the week  
25          before the scheduled date.
- 26      ● Adjudications
- 27          ○ The court will conduct juvenile delinquency adjudications when the youth is in-  
28          custody. All in-custody adjudications will occur in-person at the Juvenile Court.  
29          The Presiding Juvenile Court Judge may schedule an adjudication for any date  
30          that the Presiding Juvenile Court Judge deems appropriate.
  - 31          ○ As long as the Marion County Circuit Court is subject to Level 2 restrictions  
32          under CJO 20-016, all out-of-custody adjudications:
    - 33                  ▪ Currently set June 1, 2020 – October 31, 2020 will be canceled and set for  
34                  a status conference on or after October 15, 2020 UNLESS the parties  
35                  agree to proceed by remote means.
    - 36                  ▪ New out-of-custody adjudications may be scheduled for any date that the  
37                  Presiding Juvenile Court Judge deems appropriate IF the parties agree to  
38                  proceed by remote means, if not, the case will be set for a status  
39                  conference to be held on or after October 15, 2020.
    - 40                  ▪ A party must file a Motion for Hearing In-the-Courthouse with the  
41                  Presiding Juvenile Court Judge if they wish to proceed in-person.

- If the Marion County Circuit Court is subject to Level 3 restrictions under CJO 20-016, all out-of-custody adjudications will be postponed to a date on or after November 1, 2020.

- If you have questions about Juvenile Court matters, please call 503-566-2974.

#### **DEPENDENCY CASES:**

- The following Category 2 essential hearings will proceed as scheduled by remote means:
  - Protective custody order applications
  - Shelter Hearings
  - Jurisdiction and Disposition hearings and trials
  - Hearings on a parent's objection to the child's continued placement in substitute care
  - Hearings on motions to dismiss
- As long as the Marion County Circuit Court is subject to Level 2 restrictions, the following Category 3 essential hearings will proceed as scheduled by remote means:
  - Permanency hearings
  - Hearings on motions by parents for visitation/parenting time
  - Settlement conferences with admissions by one or both parents
  - 4-month review hearings
- All of the above proceedings will be scheduled in accordance with the court's regular scheduling procedures and will be heard by remote means. A party must file a Motion for Hearing In-the-Courthouse with the Presiding Juvenile Court Judge if they wish to proceed in-person.
- If you have questions about Juvenile Court matters, please call 503-566-2974.

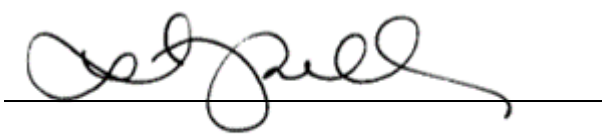
#### **TERMINATION OF PARENTAL RIGHTS CASES:**

- The following proceedings will be scheduled in accordance with the court's regular scheduling procedures and will be heard by remote means. A party must file a Motion for Hearing In-the-Courthouse with the Presiding Judge if they wish to proceed in-person.
  - Preliminary hearings
  - Settlement Conference
  - Pretrial Conferences
  - TPR Trials
- Trials Without Parent
  - The court will still hold currently scheduled preliminary hearing dates at Juvenile Court.
    - If a parent appears remotely, then the court will verbally order and will issue the parent a standard order for appearance at the settlement conference, pretrial conference, and trial to appear downtown in-person.
    - If a parent has not been served or does not appear:
      - The preliminary hearing date will be re-set to a future date, with Judge Partridge in Courtroom 4A.
      - DOJ/DHS will need to re-serve the parents to appear in person for that date.
      - If the parent has been properly served for future date, then the court will conduct a TWOP if the parent does not appear.

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- For future pretrial and TPR Trial dates, TWOP will not be allowed unless DOJ can demonstrate that a parent has been properly served and the parent has not been involved in the case.
  - If those conditions are met, the court will conduct a TWOP if a parent does not appear.
  - If those conditions are not met:
    - The court will continue the cases for a special preliminary hearing/TPR status on a future date set with Judge Partridge in Courtroom 4A.
    - DOJ/DHS will need to re-serve the parents to appear in person for that date.
    - If the parent has been properly served for the future date, the court will conduct a TWOP if the parent does not appear.

Dated this 31<sup>st</sup> day of July 2020



**Circuit Court Judge Tracy A. Prall**